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C O N F I D E N T I A L SECTION 01 OF 03 LILONGWE 000942

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STATE FOR AF/S, INR/AA

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TAGS: [MW](#) [PGOV](#) [PREL](#)

SUBJECT: DONOR LETTER WELCOMED AS IMPEACHMENT WRANGLE
CONTINUES

REF: A) LILONGWE 932 B) LILONGWE 937

Classified By: DCM David Gilmour for reasons 1.4 b and d

[11](#). (U) Summary: Heads of Western donor missions sent a letter to Malawian political leaders, urging caution in considering constitutional amendments to rush through new impeachment procedures. Most political players welcomed the letter and all acknowledged the donors' right to a voice in the current impeachment debate. Leader of opposition John Tembo belatedly criticized the letter in response to a question from a journalist. Parliament rose on October 31, failing again to conclude any substantive work on a number of pending bills. End summary.

An Open Letter

[12](#). (U) Heads of western donor missions, including South Africa, sent an "open letter" to key Malawian political leaders the week of October 24, urging careful consideration of proposals to amend the country's constitution to provide for the rapid impeachment of President Mutharika. The letter highlighted the extraordinary circumstances that warranted donor comment on a domestic political issue, noting that the impeachment debate had sidelined all other business in parliament, including the current food crisis. Advocating a transparent public debate for any constitutional change, the letter cautioned that a new government born of hasty constitutional revisions would encounter difficulty in gaining international recognition and in establishing donor relations. The letter praised Malawi's progress in improving its fiscal management and fighting corruption, and encouraged parliament to continue its proper constitutional power-balancing role. The letter was signed by the heads of mission of the U.S., Norway, Germany, France, EU, UK, South Africa, and DFID.

Hand Delivery

[13](#). (SBU) Donor heads agreed to deliver the letter personally to leaders of major parties and other key political players, in order to solicit individual views and encourage dialogue on a way forward. It was assumed that the letter would quickly become public, which it did the day after it was delivered to the first recipient. The recipients were President Mutharika, former president Bakili Muluzi, Opposition Leader John Tembo, Speaker of Parliament Louis Chimango, foreign minister Davies Katsonga, finance minister Goodall Gondwe, People's Progressive Movement (PPM) party leader Aleke Banda, Chief Justice Leonard Unyolo, former vice president Justin Malewezi, Democratic Progressive Party secretary Heatherwick Ntaba, UDF parliamentary leader George

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Ntafu, and Republican Party leader Gwanda Chakuamba. All recipients received the letter as a constructive gesture, and none questioned the donors' right to express an opinion. All players offered substantive commentary on their positions.

Leaders' Response

14. (C) Ambassador Eastham met former president Muluzi October 27, arriving a few hours after officials from the Anti-Corruption Bureau and Department of Public Prosecution searched his compound and retrieved computers and documents pertaining to the ongoing corruption investigation. Muluzi feigned ignorance of the donor's letter, even though it appeared in that morning's newspaper. Muluzi asserted that he had no role in the move for impeachment, and that it was he who was being persecuted by Mutharika. Muluzi said he picked Mutharika to the UDF presidential candidate in 2004 because "he would take care of the economy and I would handle the politics." He described a "gruesome" and expensive campaign to get Mutharika elected, and how he forged a coalition in Parliament between the UDF and Gwanda Chakuamba's RP that would permit Mutharika to govern. Muluzi said that Bingu "created his own problem" by leaving the UDF, forming DPP and dismantling the governing coalition that Muluzi had created for him. Muluzi offered, somewhat disingenuously, that he had no interest in returning to the presidency, and was disturbed by the divisions in the country that Mutharika had created. While claiming to wish him well, Muluzi accused the president of lacking the political acumen to run the country. "This is politics--he has to play." Muluzi dismissed the Ambassador's query as to whether a meeting could be arranged with the President, saying that prior attempts had not been productive. Muluzi also

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dismissed the donor's concerns about the constitutional issues raised by impeachment, claiming that was a "matter for Parliament." Closing the meeting, Muluzi mentioned that he had received an offer from Boston University for a residency in the U.S. soon after the election and had declined, but added that he was now reconsidering.

15. (C) Opposition leader and Malawi Congress Party head John Tembo reacted to the letter with a lengthy commentary on the poor state of relations and atmosphere of bad blood between Mutharika and parliament. Repeatedly emphasizing the theme of personal relationships, he complained that Mutharika did not show proper respect to him and other leaders. He said that the president of Malawi is the "father of the nation" and he opined that Mutharika was not doing a good job of playing the father role and taking care of his children. Tembo was particularly angry at a "spontaneous" pro-Mutharika demonstration outside parliament on October 24 in which the vehicles of several opposition MPs were damaged, and he demanded that Mutharika apologize to MPs. Tembo denied that he is collaborating with Muluzi's UDF in promoting impeachment, saying that MCP's relations with UDF are not good, and that he feels personally betrayed by Muluzi.

16. (SBU) UDF parliamentary leader George Ntafu acknowledged the donors' right to comment on impeachment, and cited the longstanding complaint that the GOM anti-corruption campaign had unfairly targeted the UDF. Ntafu warned that UDF and others were conducting their own corruption investigation of Mutharika, citing supposed evidence of secret overseas bank accounts and real estate purchases.

17. (SBU) All other leaders welcomed the letter as a positive contribution to the debate. Speaker Chimango expressed a particular concern over the potential for political violence as the impeachment debate drags on. He faulted the government for lack of skill in addressing its critics during parliamentary debates, and expressed the view that the

impeachment charges are not sufficient to convict Mutharika. Former vice president Malewezi predicted that impeachment would die a natural death because the opposition does not have the requisite two-thirds majority to amend the constitution and convict the president, particularly if the vote is by secret ballot.

Chief Justice: Procedures Won't Pass Constitutional Muster

¶18. (C) Malawi's Chief Justice Leonard Unyolo thanked Ambassador for the efforts of the donors to intervene. He said he assigned Malawi's best high court judges to sit on the court that will weigh the constitutionality of the impeachment procedures, promising that they would rule on the matter as soon as possible, but probably not before the new year. He offered that the judiciary was worried that the procedures meet the standards of Malawi's Constitution and international standards. He was confident that the Constitutional Court would rule correctly on the matter, adding his own opinion that the procedures would not be upheld as being "in consonance with basic notions of democracy in Malawi." The CJ was most concerned about the implications of Parliament acting as prosecutor, judge and jury, saying he preferred the South African model, where an independent tribunal would be convened for indictment and trial.

Media and Civil Society Positive

¶19. (U) Media and civil society organizations praised the letter as positive reinforcement for the position they have held for several weeks-- that impeachment is ill considered and is diverting attention from far more pressing national issues. The letter prompted several positive editorials and op-ed pieces, as well as positive commentary from leaders of a range of civil society organizations.

Tembo Takes Exception

¶10. Although he did not raise any objection in his private meeting with donors, opposition leader John Tembo criticized the letter in comments to a journalist outside parliament on October 28. A front-page story in the October 29 edition of the "Weekend Nation" quoted Tembo as saying, "Government is run by the people of Malawi and not donors. It's up to them to assist or not assist. The people are dying now, where are the donors?" Tembo's remarks drew immediate fire from

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government officials, civil society organizations, and editorialists. The October 31 edition of "The Nation" led with the headline "Government Bashes Tembo- His Remarks on Donors Suicidal."

Comment

¶11. (C) Parliament adjourned its current session October 31, resolving to take up the impeachment debate in the next session, pending the resolution of a court injunction against further debate on the issue (ref A). In the meantime, donors will continue to press all parties to observe due process in addressing the country's many problems. In the long term, Mutharika and his government must find a way to work constructively with parliament in order to get legislation passed and continue the reform agenda. Reconciliation with the UDF is virtually impossible, particularly as corruption investigations move ever closer to Muluzi. Despite his hurt feelings, Tembo has hinted that a constructive relationship with Mutharika may still be possible. If the national governing council scenario fails (and with it his shot at an interim presidency), Tembo may decide to work with Mutharika for the sake of the nation. The public and some MCP members

certainly hope that he will. The impeachment effort enjoys virtually no public support, and popular criticism of Tembo and the opposition will only intensify as the food crisis progresses.

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